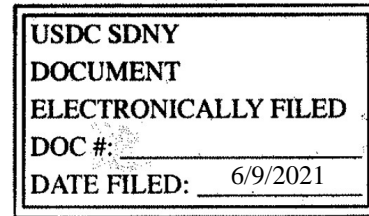


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
EMA FINANCIAL, LLC,

Plaintiff,

-against-

JOEY NEW YORK INC., et al.,

Defendants.
-----X

17-cv-9706 (VSB)

ORDER

VERNON S. BRODERICK, United States District Judge:

I am in receipt of Plaintiff's June 7, 2021 letter on witnesses for the upcoming bench trial in this case, (Doc. 161), as well as Defendant Joey Chancis' June 8, 2021 letter in response, (Doc. 163). The parties have expressed a dispute as to whether or not Felicia Preston may testify using a declaration previously submitted in connection with Plaintiff's motion for summary judgment. Accordingly, it is hereby:

ORDERED that Felicia Preston may not testify via declaration and must instead provide her testimony live. Based on the parties' representations, (*see* Docs. 161, 163), she is permitted to serve as the first witness at trial.

IT IS FURTHER ORDERED that Defendants are directed to file a proposed trial subpoena for David Frommer, which I will review upon receipt.

SO ORDERED.

Dated: June 9, 2021

New York, New York

Vernon S. Broderick
United States District Judge